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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			WASYLCHAK, STEVEN R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,094

Applicant(s)

LEATHERMAN ET AL.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35 and 49-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35 and 49-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 29-35 and 49-55 contained within the RCE herein; examiner has reviewed Applicant's arguments.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 58 is rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. (US 6,711,474).

CLAIM:

58. (New) A method of providing an interactive fueling operation comprising:

providing an interactive graphical user interface at a fueling position on a fuel

dispenser;/ fig 59; col 51, L 7 to col 54, L 30.

executing a web browser as a thin client on said interactive graphical user interface;/ fig

59; col 51, L 7 to col 54, L 30.

displaying information to a customer at the graphical user interface in response to

receipt

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of a markup language from a server spaced from the fuel dispenser, by delivery over a network;/ fig 59; col 51, L 7 to col 54, L 30.

prompting the customer to select a service with the displayed information;/ fig 59; col 51, L 7 to col 54, L 30.

receiving a response from the customer identifying a selected service to be provided by the server;/ fig 59; col 51, L 7 to col 54, L 30.

transferring the response from the dispenser to the server over the network; and

receiving at the fueling position, a service from the server over the network based on the customer response at the fueling position./ fig 59; col 51, L 7 to col 54, L 30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29, 30, 49, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollidge (US 5,027,282) and in view of Treyz et al. (US 6,711,474).

As per claim 29 and 49,

A method of providing an interactive fueling operation comprising:

-providing an interactive graphical user interface at a fueling position on a fuel dispenser; / col 1, L 66 to col 2, L 29, L 50-69; fig 13(1321: touch task; 1315: graphics task); fig 1(107: video element; 111: touch element)

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Hollidge discloses a interactive graphical user interface and thin client/ col 1, L 42-56; col 2, L 25-41; col 4, L 34-36. However, Hollidge does not explicitly disclose executing a web browser. Treyz et al discloses executing a web browser at a gas station in an automobile./ fig 59: auto computer linked (760) to pump; col 51, L 7 to col 54, L 30. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of executing a web browser at a personal computer for the advantage of convenience in the sales process by automating it.

Hollidge discloses displaying information to a customer at the graphical user interface from a server spaced from the fuel dispenser, by delivery over a network;/ col 25, L 7-21; col 26, L 11-14, 46-57. However, Hollidge does not explicitly disclose markup language (e.g., HTML or XML). Official notice is taken that markup language is old and well known in the internet website art as HTML or XML. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of markup language for constructing websites at the fuel dispensers for the advantage of efficiency in the sales process.

-prompting the customer to select a service with the displayed information; / col 1, 42 to col 2, L 5(service selected is an application task to pump gas by selecting octane rating/price per gallon); col 2, L 60-68; fig 13(1315: graphics task)

-receiving a response from the customer identifying a selected service to be provided by the server; / fig 13(1303,1327,1319: pump task,1321,1307: server,1303); col 2, L 60-68; col 25, L 1-25, 36-46; col 26, L 14-19, L 30-34

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-transferring the response from the dispenser to the server over the network; and
/network of fig 13(1307: server, 1319: pump task, 1327 network links to server 1307
via hub 1303; col 25, L 1-25, 36-46; col 26, L 14-19, L 30-34; col 25, L 1-25, 36-46;
col 26, L 14-19, L 30-34

-transmitting a service from the server over the network to the fueling position
based on the customer response at the fueling position. / fig 13(1307: server connected
to hub 1303: application task as including service; 1319 as fueling task includes fueling
position; col 25, L 1-25, 36-46; col 26, L 14-19, L 30-34

As per claim 30,

Hollidge does not teach the delivery, transfer and transmission are over the Internet.
Treyz et al discloses executing a web browser at a gas station in an automobile./ fig 59;
col 51, L 7 to col 54, L 30. It would have been obvious to one of ordinary skill in the art
at the time of applicant's invention to implement this feature of executing a web browser
at a personal computer for the advantage of convenience in the sales process by
automating it.

As per claim 50,

Hollidge does not teach the delivery, transfer and
transmission are over the Internet. Treyz et al discloses executing a web browser at a
gas station in an automobile./ fig 59; col 51, L 7 to col 54, L 30. It would have been
obvious to one of ordinary skill in the art at the time of applicant's invention to implement
this feature of executing a web browser at a personal computer for the advantage of
convenience in the sales process by automating it.

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5. Claims 31-35, 51-55 are rejected under 35 U.S.C.103(a) as being unpatentable over Hollidge (US 5,027,282) and Craig (US 5,134,716) and further in view of Treyz et al. (US 6,711,474).

As per claim 31,

Hollidge teaches information displayed / fig 1(107); fig 13(1315). Hollidge does not teach advertising information. However, Craig teaches advertising information /abstract; col 1, L 25-55. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the advertising feature to increase sales revenue.

As per claim 32,

Hollidge teaches information displayed / fig 1(107); fig 13(1315). Hollidge does not teach one of the group consisting of news, weather, sports, traffic updates and maps. However, Craig teaches advertising information /abstract; col 1, L 25-55. Craig does not teach one of the group consisting of news, weather, sports, traffic updates and maps. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the one of the group consisting of news, weather, sports, traffic updates and maps feature, most notably being the traffic updates and using internet's Mapquest for directions since the consumer is at a gas station, for the advantage of keeping the consumer informed in a timely manner as to where he is going and current traffic conditions and thus increasing the likelihood of the consumer becoming a repeat customer.

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As per claim 33,

Hollidge teaches the information displayed / fig 1(107); fig 13(1315). Hollidge does not teach merchandising information providing the customer an opportunity to select from one or more items displayed. Craig does teach merchandising information providing the customer an opportunity to select from one or more items displayed / col 1, L 25-34 where the opportunity to select is physically in the gas station itself. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the one of the group consisting of news, weather, sports, traffic updates and maps feature, most notably being the traffic updates and using internet's Mapquest for directions since the consumer is at a gas station, for the advantage of keeping the consumer informed in a timely manner as to where he is going and current traffic conditions and thus increasing the likelihood of the consumer becoming a repeat customer.

As per claim 34,

Neither Craig nor Hollidge teach live video information of a person communicating with the customer to provide a video intercom.

Official notice is taken that live (assuming to mean real time by examiner) video information of a person communicating with the customer to provide a video intercom. is old and well known in the security and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of live video information of a person communicating with the customer to provide a video intercom for the advantage of maintaining security from

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theft and property damage and obtaining customer visual body language feedback.

As per claim 35,

Hollidge discloses displaying, prompting, receiving, transferring and providing./ fig 1(107); fig 13(1315). Neither Craig nor Hollidge teach including using hypertext markup language and hypertext transfer protocol. Official notice is taken that using hypertext markup language and hypertext transfer protocol is old and well known in the internet website art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of html and http for compatibility with host servers and routers.

As per claim 51,

Hollidge teaches information displayed / fig 1(107); fig 13(1315). Hollidge does not teach advertising information. However, Craig teaches advertising information /abstract; col 1, L 25-55. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the advertising feature to increase sales revenue.

As per claim 52,

Hollidge teaches information displayed / fig 1(107); fig 13(1315). Hollidge does not teach one of the group consisting of news, weather, sports, traffic updates and maps. However, Craig teaches advertising information /abstract; col 1, L 25-55. Craig does not teach one of the group consisting of news, weather, sports, traffic updates and maps. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the one of the group consisting

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of news, weather, sports, traffic updates and maps feature, most notably traffic updates and using internet's Mapquest for directions since the consumer is at a gas station, for the advantage of keeping the consumer informed in a timely manner as to where he is going and current traffic conditions and thus increasing the likelihood of the consumer becoming a repeat customer.

As per claim 53,

The method of Claim 49 wherein Hollidge teaches the information displayed / fig 1(107); fig 13(1315). Hollidge does not teach merchandising information providing the customer an opportunity to select from one or more items displayed. Craig does teach merchandising information providing the customer an opportunity to select from one or more items displayed / col 1, L 25-34 where the opportunity to select is physically in the gas station itself. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the one of the group consisting of news, weather, sports, traffic updates and maps feature, most notably being the traffic updates and using internet's Mapquest for directions since the consumer is at a gas station, for the advantage of keeping the consumer informed in a timely manner as to where he is going and current traffic conditions and thus increasing the likelihood of the consumer becoming a repeat customer.

As per claim 54,

Neither Craig nor Hollidge teach live video information of a person communicating with the customer to provide a video intercom.

Official notice is taken that live (assuming to mean real time by examiner) video

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information of a person communicating with the customer to provide a video intercom is old and well known in the security and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of live video information of a person communicating with the customer to provide a video intercom for the advantage of maintaining security from theft and property damage and customer feedback.

As per claim 55,

Neither Craig nor Hollidge disclose a web browser. Treyz et al discloses executing a web browser at a gas station in an automobile./ fig 59: auto computer linked to pump; col 51, L 7 to col 54, L 30. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of executing a web browser at a personal computer for the advantage of convenience in the sales process by automating it including using hypertext markup language and hypertext transfer protocol. Official notice is taken that using hypertext markup language and hypertext transfer protocol is old and well known in the internet website art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of the steps of html and http for compatibility with host servers and routers.

56. (New) Neither Craig nor Hollidge disclose a browser. Treyz et al discloses executing a web browser at a gas station in an automobile./ fig 59: auto computer linked (760) to pump; col 51, L 7 to col 54, L 30. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of executing a

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web browser at a personal computer for the advantage of convenience in the sales process by automating its playing information to the customer comprises displaying information through the web browser.

57. (New) (correction: method of claim 49, not 29). Neither Craig nor Hollidge disclose a browser. Treyz et al discloses executing a web browser at a gas station in an automobile./ fig 59: auto computer linked to pump; col 51, L 7 to col 54, L 30. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of executing a web browser at a personal computer for the advantage of convenience in the sales process by automating it herein displaying information to the customer comprises displaying information through the web browser.

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak



2/18/05

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

